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*Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

KLOOSTERBOER INTERNATIONAL  
FORWARDING LLC and ALASKA  
REEFER MANAGEMENT LLC,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,  
U.S. DEPARTMENT OF HOMELAND  
SECURITY, U.S. CUSTOMS AND  
BORDER PROTECTION, and TROY A.  
MILLER, U.S. Customs and Border  
Protection Acting Commissioner, in his  
official capacity,

Defendants.

Case No.: 3:21-cv-\_\_\_\_ (\_\_\_\_)

## **DECLARATION OF JAMES C. JOHNSON**

Pursuant to 28 U.S.C. § 1746, I, James C. Johnson, declare as follows:

1. I am the President of Glacier Fish Company, LLC ("GFC"). GFC owns and operates the U.S. flagged catcher processor vessels ALASKA OCEAN and NORTHERN GLACIER in Alaska. Since its founding in 1982 by a group of immigrant fishing families, GFC has operated continuously, and today has significant Alaskan ownership.

2. The vessel ALASKA OCEAN harvests Alaska pollock in the Bering Sea and processes and freezes its catch for domestic use and export into fillet products, mince, surimi, fishmeal and fish oil. Our company has maintained a strong customer base on the East Coast United States since the founding of the company, serving retail, food service and quick service restaurant markets in the United States. The vessel NORTHERN GLACIER produces headed and gutted products, which historically have been primarily for export to Asia for further processing, but more recently we have increased shipments to the East Coast United States for U.S. domestic processing for serving U.S. restaurant and retail consumers.

3. In order to get the frozen seafood products to our customers on the East Coast United States, we contract with Plaintiffs to provide transportation and logistics services. We contract with Plaintiffs for these transportation services with the expectation that they are being provided in accordance with all applicable laws.

4. U.S. Customs and Border Protection (“CBP”) recently issued penalty notices to GFC alleging that GFC violated the Jones Act in connection with Plaintiffs' shipment of our frozen seafood products to the East Coast United States. I understand that penalty notices have also been issued to Plaintiffs and to other companies that use the transportation services offered by Plaintiffs.

5. As a result of CBP's penalty notices and the interruption of the transportation services provided by Plaintiffs, GFC is facing substantial harm to our business and reputation. We currently have significant quantities of frozen products remaining in cold storage in Bayside, New Brunswick, Canada pending shipment to our domestic customers in the Eastern United States, which cannot be shipped into the United States without exposing GFC to the risk of additional CBP penalties and/or seizure of the products. CBP's penalty notices have also necessitated that we find alternative refrigerated transportation for our products currently held in Alaska cold storage facilities and for future shipments of domestic-bound products. We have concerns whether potential alternative arrangements in total will be adequate to support the entirety of the displaced cargo and may negatively impact GFC through significantly delayed transit times, increased handling, decreased service quality, and higher costs.

I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct.

Dated: Seattle, Washington  
September 1, 2021



James C. Johnson